

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte DENNIS S. FERNANDEZ

Application No. 10/626,877

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on November 29, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

The Manual of Patent Examining Procedure (MPEP) § 609 (Eighth Ed., Revision 5, Aug. 2006) in regards to Information Disclosure Statements filed by applicants states in part.:

An information disclosure statement filed in accordance with the provisions of 37 CFR 1.197 and 37 CFR 1.198 will be considered by the examiner assigned to the application

Application No. 09/626,877

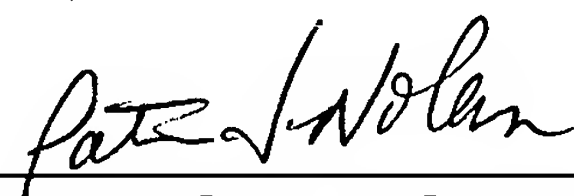
Appellants filed an Information Disclosure Statement (IDS) on August 11, 2006. It is not clear from the record whether the examiner considered the IDS as the references listed thereon have not been initialed and the examiner has not signed and dated the PTO/SB/08A form of the IDS. Correction is required.

Accordingly, it is

ORDERED that the application is being returned to the Examiner:

- 1) for the examiner to properly consider the IDS, notify Appellant of said consideration, and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN/vsh

cc: FERNANDEZ & ASSOCIATES, LLP
PO BOX D
MENLO PARK CA 94026-6402